United Nations S/AC.49/2009/12

Security Council

Distr.: General
29 July 2009

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 24 July 2009 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of New Zealand to the United Nations in New York presents its compliments to the Chair of the Committee established pursuant to resolution 1718 (2006) (Democratic People's Republic of Korea), and has the honour to submit the attached report (see annex) in line with paragraph 22 of Security Council resolution 1874 (2009).

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Annex to the note verbale dated 24 July 2009 from the Permanent Mission of New Zealand to the United Nations addressed to the Chairman of the Committee

Report of New Zealand on the implementation of sanctions imposed under Security Council resolutions 1718 (2006) and 1874 (2009)

July 2009

Under paragraph 22 of resolution 1874 (2009) adopted on 12 June 2009, the Security Council called upon

> all Member States to report to the Security Council within forty-five days of the adoption of this resolution ... on concrete measures they have taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 of this resolution, as well as financial measures set out in paragraphs 18, 19 and 20 of this resolution.

New Zealand's implementation measures

In New Zealand the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2006 promulgated under the United Nations Act 1946 implement Security Council resolution 1718 (2006). A copy of the Regulations is attached.*

New Zealand wishes to inform the Committee that it is working to implement the additional measures contained in Security Council resolution 1874 (2009) by way of amendments to the Regulations. It is anticipated that the approval process will be complete in the near future and that the United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2009 will enter into force early in September.

Implementation of paragraph 8 of Security Council resolution 1718 (2006)

Paragraph 8 of resolution 1718 (2006) states:

> *The Security Council*
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> ...
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> 8. *Decides* that:
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> (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:
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> (i) Any battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of

* The document is on file with the Secretariat and is available for consultation.

Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of the adoption of the present resolution the Committee has amended or completed their provisions, also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Council or the Committee, which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(iii) Luxury goods;

(b) The Democratic People's Republic of Korea shall cease the export of all items covered in subparagraphs (a) (i) and (ii) above and that all Member States shall prohibit the procurement of such items from the Democratic People's Republic of Korea by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the Democratic People's Republic of Korea;

(c) All Member States shall prevent any transfers to the Democratic People's Republic of Korea by their nationals or from their territories, or from the Democratic People's Republic of Korea by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Council as being engaged in or providing support for, including through other illicit means, the Democratic People's Republic of Korea's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Council as being responsible for, including by supporting or promoting, policies of the Democratic People's Republic of Korea in relation to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action, including through inspection of cargo to and from the Democratic People's Republic of Korea, as necessary;

The Regulations implement paragraph 8 of resolution 1718 (2006) as follows:

- Regulations 4, 7, 8, 10, 12 and 13, and the Schedule which lists luxury goods, implement paragraph 8 (a) of resolution 1718 (2006)
- Regulations 4, 7, 10, 11, 12 and 13 implement paragraph 8 (b) of resolution 1718 (2006)
- Regulation 14 implements paragraph 8 (c) of resolution 1718 (2006)
- Regulations 15 and 16 implement paragraph 8 (d) of resolution 1718 (2006)
- Regulation 17 implements paragraph 8 (e) of resolution 1718 (2006).

Implementation of paragraphs 9 and 10 of resolution 1874 (2009)

Paragraphs 9 and 10 of resolution 1874 (2009) state:

The Security Council

...

9. *Decides* that the measures in paragraph 8 (b) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or materiel;

10. *Decides* that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, except for small arms and light weapons and their related materiel, and calls upon States to exercise vigilance over the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea of small arms or light weapons, and further decides that States shall notify the Committee at least five days prior to selling, supplying or transferring small arms or light weapons to the Democratic People's Republic of Korea;

The Regulations will be amended to implement the measures required under paragraphs 9 and 10 of resolution 1874 (2009) by provisions that:

- extend the existing embargo relating to military equipment to arms generally
- extend the definition of weapons of mass destruction-related and ballistic missile-related goods to include recently published lists of such items
- extend the embargo on the provision of advice, assistance, services etc. to financial transactions

- prohibit the provision of bunkering services to vessels of the Democratic People's Republic of Korea
- update the preconditions to ministerial consent for otherwise prohibited activities. (This provision will be used to ensure that the Committee is given the requisite amount of notice under paragraph 10 in the event of a proposed transaction involving small arms and light weapons.)

Implementation of paragraphs 18, 19 and 20 of resolution 1874 (2009)

Paragraphs 18, 19 and 20 of resolution 1874 (2009) state:

> *The Security Council*
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> ...
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> 18. *Calls upon* Member States, in addition to implementing their obligations pursuant to paragraphs 8 (d) and (e) of resolution 1718 (2006), to prevent the provision of financial services or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;
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> 19. *Calls upon* all Member States and international financial and credit institutions not to enter into new commitments for grants, financial assistance, or concessional loans to the Democratic People's Republic of Korea, except for humanitarian and developmental purposes directly addressing the needs of the civilian population, or the promotion of denuclearization, and also calls upon States to exercise enhanced vigilance with a view to reducing current commitments;
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> 20. *Calls upon* all Member States not to provide public financial support for trade with the Democratic People's Republic of Korea (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the Democratic People's Republic of Korea's nuclear-related or ballistic missile-related or other weapons of mass destruction-related programmes or activities;

New Zealand does not currently promote, assist or engage in trade with the Democratic People's Republic of Korea. The last time New Zealand traded with the Democratic People's Republic of Korea was in 1999 when $NZ 101,829 worth of goods, mostly insulated wire, were imported from the Democratic People's Republic of Korea.

In addition, financial institutions and relevant authorities in New Zealand have been made aware of the provisions of paragraph 20 relating to services or transfers

that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related, or weapons of mass destruction-related programmes. Nothing untoward has been uncovered to date and New Zealand will remain vigilant to suspicious activity in this area.

General information on New Zealand's implementation of Security Council sanctions can be found at http://mfat.govt.nz/Treaties-and-International-Law/09-United-Nations-Security-Council-Sanctions/index.php. The website will be updated as soon as the amendments to implement resolution 1874 (2009) have been promulgated.